IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR

WEDNESDAY, THE 4TH JULY 2007 / 13TH ASHADHA 1929

WP(C).No. 2261 of 2006(T)

PETITIONER:

G. SATHOSH KUMAR,
SALES TAX OFFICER, NEDUMANGAD,
RESIDING AT "SOUPARNIKA", V.P.3/69,
MANIKANDESWARAM P.O., VAZHAYILA,
THIRUVANANTHAPURAM-695 013.

BY ADV. SRI.K.P.DANDAPANI.

RESPONDENTS:

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1. **STATE OF KERALA,**
   REPRESENTED BY THE SECRETARY TO GOVERNMENT,
   TAXES (D) DEPARTMENT, GOVERNMENT SECRETARIAT,
   THIRUVANANTHAPURAM.

2. **THE CONVENOR,**
   DEPARTMENTAL PROMOTION COMMITTEE (HIGHER),
   TAXES (D) DEPARTMENT, GOVERNMENT OF KERALA,
   THIRUVANANTHAPURAM.

3. **THE COMMISSIONER OF COMMERCIAL TAXES,**
   THIRUVANANTHAPURAM.

BY GOVERNMENT PLEADER SRI. P. NANDAKUMAR.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 04/07/2007,THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P.(C). NO. 2261/2006:

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P.1: COPY OF THE MEMO OF CHARGES DTD. 05/06/02 ISSUED BY R.3. TO THE PETITIONER.

EXT.P.2: COPY OF THE PROCEEDINGS DTD. 05/06/2004 ISSUED BY THE JOINT COMMISSIONER.

EXT.P.3: COPY OF THE ENQUIRY REPORT DTD. 27/07/2004 ISSUED BY THE INQUIRY AUTHORITY.

EXT.P.4: COPY OF THE NOTICE DTD. 10/09/2004 ISSUED BY THE R.3. TO THE PETITIONER.

EXT.P.5: COPY OF THE EXPLANATION ON 25/09/2004 SUBMITTED BY THE PETITIONER TO EXT.P.3. NOTICE BEFORE THE R.3.

EXT.P.6: COPY OF THE ADDITIONAL EXPLANATION ON 27/09/2004 BEFORE THE R.3.

EXT.P.7: COPY OF THE PROCEEDINGS DTD. 29/12/2004 ISSUED BY THE R.3.

EXT.P.8: COPY OF THE APPEAL SUBMITTED BY PETITIONER BEFORE THE SECRETARY TO GOVERNMENT ON 18/01/2005.

EXT.P.9: COPY OF THE SELECT LIST OF OFFICERS FOR PROMOTION TO THE CATEGORY OF ASSISTANT COMMISSIONER.

EXT.P.10: RELEVANT EXTRACT PORTION OF THE FINAL SENIORITY LIST OF SALES TAX OFFICERS.

EXT.P.11: COPY OF THE MEMO DTD. 29/06/2005 ISSUED BY THE DEPARTMENTAL PROMOTION COMMITTEE TO THE PETITIONER.

EXT.P.12: COPY OF THE DETAILED REPRESENTATION SUBMITTED BY THE PETITIONER.

EXT.P.13: COPY OF THE G.O. NO. 503/05/TD DTD. 03/08/2005.

EXT.P.14: COPY OF THE REVIEW PETITION DTD. 16/08/2005 SUBMITTED BY PETITIONER BEFORE R.1.

W.P.(C). NO.2261/2006:

EXT.P.15: COPY OF THE G.O. NO. GO. (RT). NO. 790/05/TD DTD. 27/12/2005.

EXT.P.16: COPY OF THE LETTER BEARING NO. 5371/D1/2006/TD DTD. 30/03/2006 ISSUED BY THE R.1.

//TRUE COPY//

prv.

K.BALAKRISHNAN NAIR, J.

W.P.(C) No. 2261 of 2006-T

Dated this the 4th day of July, 2007.

J U D G M E N T

During the pendency of the writ petition, Ext.P12 representation has been considered and the petitioner has been ordered to be promoted as Assistant Commissioner of Commercial Taxes. In view of the above position, the grievance of the petitioner is substantially redressed. But, he is aggrieved by the date of effect of promotion granted to him. If that be so, he may work out his remedy against it. Subject to that right, the Writ Petition is closed.

K.BALAKRISHNAN NAIR,
JUDGE.

MS